IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 6666/2006
(Sajjan Raj Vs. State of Rajasthan & Anr.)

Date of Order : 17/04/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Vikram Choudhary for the petitioner.
Mr. R.S.Saluja for the respondents.

BY THE COURT:-

By an application being I.A. No. 1567/2007 the petitioner submits that the controversy involved in the instant writ petition stands concluded by this Court in Mohan Lal and Anr. Vs. State of Rajasthan and Anr. S.B.Civil Writ Petition No.6468/2003 decided on 20.11.2006.

In Mohan Lal and Anr. Vs. State of Rajasthan and Anr. (supra), this Court while relying on the decision of Hon'ble Supreme Court in Baliram Prasad Vs. Union of India reported in AIR 1997 SC 637 held that the Condition No.3 containing such restriction is thus held to be wholly arbitrary, unreasonable besides being discriminatory and violative of Article 14 and 16 of the Constitution of India and such a condition is therefore,

declared illegal and unconstitutional and accordingly struck down. Accordingly, this Court allowed the writ petition and directed the respondents to consider the case of the petitioners for appointment on the post of Safaiwala and if found eligible and further if candidates lower in merit then any of them is found to have been appointed, also consider and appoint him/them and pass necessary order within a period of three months from the date of production of copy of the judgment before the respondents.

The writ petition is therefore, allowed in terms of the order passed by this Court in Mohan Lal and Anr. Vs. State of Rajasthan and Anr. (supra). The respondents are directed to consider the case of the petitioner for appointment on the post of Safaiwala and if found eligible and further if candidates lower in merit then the petitioner is found to have been appointed, also consider and appoint him and pass necessary order within a period of three months from the date of production of certified copy of this order. The application being I.A. No. 1567/2007 stands disposed of. No order as to costs.

(H.R.PANWAR),J.

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